

**A RESOLUTION  
BY COUNCILMEMBER CLAIR MULLER**

**04- R-0326**

**A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO AMEND AN EXISTING AGREEMENT BETWEEN THE CITY OF ATLANTA, THE MIDTOWN ALLIANCE, AND SILVERMAN CONSTRUCTION FOR THE TEMPORARY USE OF THE PARCEL OF PROPERTY LOCATED AT THE END OF WESTMINSTER DRIVE AS A TEMPORARY STAGING AREA, AND TO REQUIRE THE RESTORATION OF THE SITE TO ITS ORIGINAL CONDITION FOLLOWING THE COMPLETION OF ANY CONSTRUCTION WORK; AND FOR OTHER PURPOSES.**

**WHEREAS**, on June 24, 2003, resolution number 03-R-0919 was approved by the Mayor for the temporary use of this property by Silverman Construction; and

**WHEREAS**, by 03-R-0919 the temporary use of this property by Midtown Alliance expires on February 28, 2004; and

**WHEREAS**, Midtown Alliance needs to extend the temporary use of the site until August 31, 2005 to accommodate two additional streetscape projects; and

**WHEREAS**, the Department of Watershed Management supports the extension of the temporary use of this site; and

**WHEREAS**, the Midtown Alliance has contracted with Silverman Construction to coordinate program management for these projects; and

**WHEREAS**, the Department of Watershed Management of the City of Atlanta maintains ownership of the undeveloped property at the end of Westminster Drive, hereinafter referred to as the West Lumber site; and

**WHEREAS**, the Midtown Alliance and Silverman Construction have requested access to and the use of the West Lumber site as a staging area for these projects; and

**WHEREAS**, the Midtown Alliance, through its agreement with Silverman Construction, has agreed to pay for all costs of any work necessary to prepare the site for use as a staging area by Silverman Construction; and

**WHEREAS**, the Midtown Alliance, through its agreement with Silverman Construction, has agreed to restore the West Lumber site to its original condition following the removal of all construction equipment and materials, at no cost to the City.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:**

SECTION 1: The Mayor or her designee is hereby authorized to enter into an extended agreement with the Midtown Alliance and Silverman Construction for the temporary use of a parcel of City property on Westminster Drive, to be used as a construction staging area for streetscape improvements until August 31, 2005.

SECTION 2: That the Midtown Alliance and Silverman Construction shall maintain all uses of the West Lumber site according to the provisions of the Construction Facilities agreement and the Allowance agreement as adopted by City Council on June 16, 2003 and approved by the Mayor on June 24, 2003.

SECTION 3: That the City of Atlanta shall incur no financial liability in preparing the West Lumber site for temporary use as a staging area by Silverman Construction.

SECTION 4: That the Midtown Alliance and Silverman Construction shall maintain full responsibility to restore the West Lumber site to its original condition following the removal of all construction equipment and materials from the site, at no cost to the City of Atlanta.

SECTION 5: That the Midtown Alliance and selected construction company shall allocate an amount of not less than \$10,000 for improvements to the site, the balance of which remaining following the completion of temporary staging shall be for further improvements to the site according to the direction of the Department of Watershed Management.

SECTION 6: That all ordinances or resolutions, or parts thereof, in conflict herewith, are hereby repealed.